

**1 R307. Environmental Quality, Air Quality.****2 R307-405. Permits: Prevention of Significant Deterioration  
3 of Air Quality (PSD)****4 R307-405-1. Purpose.**

5 This rule implements the federal Prevention of  
6 Significant Deterioration (PSD) permitting program for  
7 major sources and major modifications in attainment areas  
8 and maintenance areas as required by 40 CFR 51.166. This  
9 rule does not include the routine maintenance, repair and  
10 replacement provisions that were stayed by the DC Circuit  
11 Court of Appeals on December 23, 2003, pending appeal.  
12 This rule does not include the clean unit and pollution  
13 control project provisions that were vacated by the DC  
14 Circuit Court of Appeals on June 24, 2005. This rule  
15 supplements, but does not replace, the permitting  
16 requirements of R307-401.

**17  
18 R307-405-2. Applicability.**

19 (1) Except as provided in (2), the provisions of 40  
20 CFR 52.21(a)(2), effective March 3, 2003, are hereby  
21 incorporated by reference.

22 (2)(a) The provisions in 40 CFR 52.21(a)(2)(iv)(e)  
23 are not incorporated by reference.

24 (b) The last sentence in 40 CFR 52.21(a)(2)(iv)(f) is  
25 not incorporated by reference.

26 (c) The provisions in 40 CFR 52.21(a)(2)(vi) are not  
27 incorporated by reference.

**28  
29 R307-405-3. Definitions.**

30 (1) Except as provided in (2) below, the definitions  
31 contained in 40 CFR 52.21(b), effective March 3, 2003, are  
32 hereby incorporated by reference.

33 (2)(a)(i) "Major Source Baseline Date" means:

34 (A) in the case of particulate matter:

35 (I) for Davis, Salt Lake, Utah and Weber Counties,  
36 the date that EPA approves the PM10 maintenance plan that  
37 was adopted by the Board on July 6, 2005;

38 (II) for all other areas of the State, January 6,  
39 1975;

40 (B) in the case of sulfur dioxide:

41 (I) for Salt Lake County, the date that EPA approves  
42 the sulfur dioxide maintenance plan that was adopted by the  
43 Board on January 5, 2005;

44 (II) for all other areas of the State, January 6,  
45 1975; and

46 (C) in the case of nitrogen dioxide, February 8,  
47 1988.

1 (ii) "Minor Source Baseline Date" means the earliest  
2 date after the trigger date on which a major stationary  
3 source or a major modification subject to 40 CFR 52.21 or  
4 R307-405 submits a complete application under the relevant  
5 regulations. The trigger date is:

6 (A) In the case of particulate matter and sulfur  
7 dioxide, August 7, 1977, and

8 (B) in the case of nitrogen dioxide, February 8,  
9 1988.

10 (iii) The baseline date is established for each  
11 pollutant for which increments or other equivalent measures  
12 have been established if:

13 (A) the area in which the proposed source or  
14 modification would construct is designated as attainment or  
15 unclassifiable under section 107(d)(i)(D) or (E) of the Act  
16 for the pollutant on the date of its complete application  
17 under 40 CFR 52.21 or R307-405; and

18 (B) in the case of a major stationary source, the  
19 pollutant would be emitted in significant amounts, or, in  
20 the case of a major modification, there would be a  
21 significant net emissions increase of the pollutant.

22 (iv) Any minor source baseline date established  
23 originally for the TSP increments shall remain in effect  
24 and shall apply for purposes of determining the amount of  
25 available PM10 increments, except that the executive  
26 secretary shall rescind a minor source baseline date where  
27 it can be shown, to the satisfaction of the executive  
28 secretary, that the emissions increase from the major  
29 stationary source, or net emissions increase from the major  
30 modification, responsible for triggering that date did not  
31 result in a significant amount of PM10 emissions.

32 (b) In the definition of "baseline area" in 40 CFR  
33 52.21(b)(15)(ii)(b) insert the words "or R307-405" after  
34 "Is subject to 40 CFR 52.21".

35 (c) "Reviewing Authority" means the executive  
36 secretary.

37 (d)(i) The term "Administrator" shall be changed to  
38 "executive secretary" throughout R307-405, except as  
39 provided in (ii).

40 (ii) The term "Administrator" shall be changed to  
41 "EPA Administrator" in the following incorporated sections:

42 (A) 40 CFR 52.21(b)(17),

43 (B) 40 CFR 52.21(b)(37)(i),

44 (C) 40 CFR 52.21(b)(43),

45 (D) 40 CFR 52.21(b)(48)(ii)(c),

46 (E) 40 CFR 52.21(b)(50)(i),

47 (F) 40 CFR 52.21(l)(2),

- 1 (G) 40 CFR 52.21(p)(2),  
2 (H) the first reference to Administrator in 40 CFR  
3 52.21(y)(4)(i),  
4 (I) the second reference to Administrator in 40 CFR  
5 52.21(y)(7), and  
6 (J) 40 CFR 51.166(q)(2)(iv).  
7 (e) The definition of "emissions unit" in 40 CFR  
8 52.21(b)(7), effective January 6, 2004, is hereby  
9 incorporated by reference.  
10 (f) The definition of "replacement unit" in 40 CFR  
11 52.21(b)(33), effective January 6, 2004, is hereby  
12 incorporated by reference.  
13 (g) The following paragraphs that refer to clean  
14 units and pollution control projects are not incorporated  
15 by reference:  
16 (i) 40 CFR 52.21(b)(2)(iii)(h),  
17 (ii) 40 CFR 52.21(b)(3)(iii)(b),  
18 (iii) 40 CFR 52.21(b)(3)(vi)(d),  
19 (iv) 40 CFR 52.21(b)(32), and  
20 (v) 40 CFR 52.21(b)(42).  
21 (3) "Heat input" means heat input as defined in 40  
22 CFR 52.01(g).  
23 (4) "Title V permit" means any permit or group of  
24 permits covering a Part 70 source that is issued, renewed,  
25 amended, or revised pursuant to R307-415.  
26 (5) "Title V Operating Permit Program" means R307-  
27 415.  
28 (6) The definition of "Good Engineering Practice  
29 (GEP) Stack Height" as defined in R307-410 shall apply in  
30 this rule.  
31 (7) The definition of "Dispersion Technique" as  
32 defined in R307-410 shall apply in this rule.  
33

#### 34 **R307-405-4. Area Designations.**

- 35 (1) Pursuant to section 162(a) of the federal Clean  
36 Air Act, the following areas are designated as mandatory  
37 Class I areas:  
38 (a) Arches National Park,  
39 (b) Bryce Canyon National Park,  
40 (c) Canyonlands National Park,  
41 (d) Capitol Reef National Park, and  
42 (e) Zion National Park.  
43 (2) Pursuant to section 162(b) of the federal Clean  
44 Air Act, all other areas in Utah are designated as Class II  
45 unless designated as nonattainment areas.  
46 (3) No areas in Utah are designated as Class III.  
47

**R307-405-5. Area Redesignation.**

Any person may petition the Board to change the classification of an area designated under R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).

(1) The petition shall contain a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed redesignation.

(2) The petition shall contain a demonstration that the proposed redesignation meets the criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(e) and (g).

**R307-405-6. Ambient Air Increments.**

The provisions of 40 CFR 52.21(c), effective March 3, 2003, are hereby incorporated by reference.

**R307-405-7. Ambient Air Ceilings.**

The provisions of 40 CFR 52.21(d), effective March 3, 2003, are hereby incorporated by reference.

**R307-405-8. Exclusions from Increment Consumption.**

(1) The following concentrations shall be excluded in determining compliance with a maximum allowable increase:

(a) concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such an order;

(b) concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan;

(c) concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources;

(d) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and

(e) concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen dioxides from stationary sources which are affected by plan revisions approved by the EPA Administrator as meeting the criteria specified in 40 CFR 51.166(f)(4). The temporary increase shall not exceed 2 years in duration unless a longer time is approved by the EPA Administrator. This exclusion is not renewable.

(2) No exclusion of concentration under (1)(a) or (b) above shall apply more than five years after the effective date of the order to which paragraph (1)(a) refers or the plan to which paragraph (1)(b) refers, whichever is applicable. If both such order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

(3) No exclusion under (1)(e) shall apply to an emission increase from a stationary source which would:

(a) impact a Class I area or an area where an applicable increment is known to be violated; or

(b) cause or contribute to a violation of the national ambient air quality standards.

#### **R307-405-9. Stack Heights.**

The provisions of 40 CFR 52.21(h), effective March 3, 2003, are hereby incorporated by reference.

#### **R307-405-10. Exemptions.**

(1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii), effective March 3, 2003, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(i)(2) through (5), effective March 3, 2003, are hereby incorporated by reference.

#### **R307-405-11 Control Technology Review.**

The provisions of 40 CFR 52.21(j), effective March 3, 2003, are hereby incorporated by reference.

#### **R307-405-12. Source Impact Analysis.**

The provisions of 40 CFR 52.21(k), effective March 3, 2003, are hereby incorporated by reference.

#### **R307-405-13. Air Quality Models.**

The provisions of 40 CFR 52.21(l), effective March 3, 2003, are hereby incorporated by reference.

#### **R307-405-14. Air Quality Analysis.**

1 (1) The provisions of 40 CFR 52.21(m)(1)(i) through  
2 (iv), (vi), and (viii), effective March 3, 2003, are hereby  
3 incorporated by reference.

4 (2) The provisions of 40 CFR 52.21(m)(2) and (3),  
5 effective March 3, 2003, are hereby incorporated by  
6 reference.

7  
8 **R307-405-15. Source Information.**

9 The provisions of 40 CFR 52.21(n), effective March 3,  
10 2003, are hereby incorporated by reference.

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12 **R307-405-16. Additional Impact Analysis.**

13 The provisions of 40 CFR 52.21(o), effective March 3,  
14 2003, are hereby incorporated by reference.

15  
16 **R307-405-17. Sources Impacting Federal Class I Areas:  
17 Additional Requirements.**

18 (1) The provisions of 40 CFR 52.21(p), effective  
19 March 3, 2003, are hereby incorporated by reference.

20 (2) The executive secretary will transmit to the EPA  
21 Administrator a copy of each permit application relating to  
22 a major stationary source or major modification and provide  
23 notice to the EPA Administrator of every action related to  
24 the consideration of such permit.

25  
26 **R307-405-18. Public Participation.**

27 (1) Except as provided in (2), the provisions of 40  
28 CFR 51.166(q)(1) and (2), effective March 3, 2003, are  
29 hereby incorporated by reference.

30 (2) The phrase "within a specified time period" in 40  
31 CFR 51.166(q)(1) shall be replaced with the phrase "within  
32 30 days of receipt of the PSD permit application".

33  
34 **R307-405-19. Source Obligation.**

35 (1) Except as provided in (2) below, the provisions  
36 of 40 CFR 52.21(r), effective March 3, 2003, are hereby  
37 incorporated by reference.

38 (2)(a) The parenthetical phrase in the first sentence  
39 in 40 CFR 52.21(r)(6) shall be changed to read "(other than  
40 projects at a source with a PAL)."

41 (b) The reference to "70.4(b)(3)(viii) of this  
42 chapter" in 40 CFR 52.21(r)(7) shall be changed to "R307-  
43 415-7i".

44  
45 **R307-405-20. Innovative Control Technology.**

(1) Except as provided in (2), the provisions of 40 CFR 52.21(v), effective March 3, 2003, are hereby incorporated by reference.

(2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1) shall be changed to "R307-405-18".

(b) 40 CFR 52.21(v)(2) shall be changed to read "The executive secretary shall, with the consent of the governors of other affected states, determine that the source or modification may employ a system of innovative control technology, if:".

#### **R307-405-21. Actuals PALs.**

(1) Except as provided in (3), the provisions of 40 CFR 52.21(aa)(1) through (5) and (7) through (15), effective March 3, 2003, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(aa)(6), effective January 6, 2004, are hereby incorporated by reference.

(3)(a) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

(b) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

(c) The references to "70.6(a)(3)(iii)(B) of this chapter" in 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-6a(3)(c)(ii)".

(d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and (ii) shall be changed to "the effective date of this rule".

#### **R307-405-22. Banking of Emission Offset Credit in PSD Areas.**

Banking of emission offset credits in PSD areas will be permitted. To preserve banked emission reductions the executive secretary must identify them in either the Utah SIP or an order. The executive secretary will provide a registry to identify the person, private entity, or government authority that has the right to use or allocate the banked emission reduction and to record any transfer of or lien on these rights.

**KEY: air pollution, PSD, Class I area**  
**2006**  
**Notice of Continuation August 11, 2003**  
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